

Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

2:12-cv-01282-JLR

DECLARATION OF NATHANIEL FLACK  
IN SUPPORT OF BRIEF OF AMICUS  
CURIAE ANTHONY SIMS

I, Nathaniel Flack, declare:

1. I am an attorney licensed to practice law in the State of Washington. I represent the Plaintiff Anthony Sims in the case of *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL, pending before the Honorable Tana Lin, and in his Motion for Leave to File Brief of Amicus Curiae in *United States of America v. City of Seattle*, 2:12-cv-01282-JLR. I am over the age of 18 and am competent to testify. I have personal knowledge of the following.
2. Attached here as **Exhibit 1** is Robert Brown's in-vehicle camera video footage from this case, produced in discovery as CITY\_000675. A notice of filing physical materials is being filed for this exhibit pursuant to the local rules.
3. Attached here as **Exhibit 2** is Robert Brown's body worn camera video footage from this case, produced in discovery as CITY\_000668. A notice of filing physical materials is being filed for this exhibit pursuant to the local rules.

DECLARATION OF NATHANIEL FLACK IN SUPPORT OF BRIEF  
OF AMICUS CURIAE ANTHONY SIMS - 1

No. 2:12-cv-01282-JLR

MACDONALD HOAGUE & BAYLESS  
705 Second Avenue, Suite 1500  
Seattle, Washington 98104  
Tel 206.622.1604 Fax 206.343.3961

- 1 4. Attached here as **Exhibit 3** is Gregory Nash's body worn camera video footage from  
2 this case, produced in discovery as CITY\_000672. A notice of filing physical  
3 materials is being filed for this exhibit pursuant to the local rules.
- 4 5. Attached here as **Exhibit 4** is Officer Farkas's body worn camera video footage from  
5 the chis case, produced in discovery as CITY-000674. A notice of filing physical  
6 materials is being filed for this exhibit pursuant to the local rules.
- 7 6. Attached here as **Exhibit 5** is the radio communications audio for this case produced  
8 in discovery as CITY\_000655. A notice of filing physical materials is being filed for  
9 this exhibit pursuant to the local rules.
- 10 7. Attached here as **Exhibit 6** is the Field Contact Report that Lt. Brown prepared  
11 during this incident, produced in discovery as CITY\_000010.
- 12 8. Attached here as **Exhibit 7** is the CAD dispatch log for this case, produced in  
13 discovery as CITY\_000001.
- 14 9. Attached here as **Exhibit 8** are the High Risk Vehicle Stop training materials  
15 produced in discovery as CITY\_000761.
- 16 10. Attached here as **Exhibit 9** is plaintiff's complaint to OPA, produced in discovery as  
17 CITY\_000687.
- 18 11. Attached here as **Exhibit 10** is the OPA Director's Certification Memo for Plaintiff's  
19 OPA complaint.
- 20 12. Attached here as **Exhibit 11** is the OPA investigation summary and conclusions.
- 21 13. Attached here as **Exhibit 12** is the management action recommendation regarding  
22 high risk stops.
- 23 14. Attached here as **Exhibit 13** is SPD's response to the management action  
24 recommendation.
- 25 15. Attached here as **Exhibit 14** is a September 2020 email exchange among City  
26 employees regarding Plaintiff's complaint.
- 27

- 1 16. Attached here as **Exhibit 15** is the OPA director's certification memo for Plaintiff's  
2 OPA complaint.
- 3 17. Attached here as **Exhibit 16** is the MDT return document produced in discovery as  
4 CITY\_029693.
- 5 18. Attached here as **Exhibit 17** is the notice of FRCP 30(b)(6) deposition issued in the  
6 above captioned matter.
- 7 19. Attached here as **Exhibit 18** are excerpts of the transcript of the deposition of Robert  
8 Brown in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.
- 9 20. Attached here as **Exhibit 19** are excerpts of the transcript of the deposition of  
10 Gregory Nash in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.
- 11 21. Attached here as **Exhibit 20** are excerpts of the transcript of the deposition of Bradley  
12 Richardson in *Sims v. City of Seattle et al*, Case No. 2:22-CV-00483-TL.
- 13 22. Attached here as **Exhibit 21** are excerpts of the transcript of the deposition of the  
14 City's 30(b)(6) designee Leroy Outlaw.
- 15 23. Attached here as **Exhibit 22** are excerpts of the transcript of the deposition of the  
16 City's 30(b)(6) designee Andrew Myerberg.
- 17 24. Attached here as **Exhibit 23** are excerpts of the transcript of the deposition of the  
18 City's 30(b)(6) designee George Davisson.
- 19 25. Attached here as **Exhibit 24** are excerpts of the transcript of the deposition of Scott  
20 Mourtgos.
- 21 26. Attached here as **Exhibit 25** is Officer Garrett Follette's body worn camera footage,  
22 produced in discovery as CITY\_000671. A notice of filing physical materials is being  
23 filed for this exhibit pursuant to the local rules.

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1 I swear that the foregoing is true to the best of my knowledge under penalty of perjury under the  
2 laws of the United States.

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4 DATED this 26th day of April, 2023, at Seattle, WA.

5 /s/ Nathaniel Flack  
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